

Appl. No. 10/815,918
Docket No. 9602
Amdt. dated July 13, 2006
Reply to Office Action mailed on April 18, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1 - 42 are pending in the present application. Claims 1-3, 9, 11-15, 21-23, 27-30 and 34 are rejected under 35 U.S.C. § 102(b). Claims 4-8, 10, 16, 24-26, and 31-33 are rejected under 35 U.S.C. § 103. Claims 17-20 and 35-42 have been withdrawn from consideration as drawn to a non-elected species, and are canceled by this amendment without prejudice.

Claims 1, 9, 14, 21, and 28 have been amended to clarify certain features of the pant-like garment nature of the absorbent article and the fastening elements thereon. These amendments do not involve the introduction of new matter.

Response to Requirement for Restriction of Inventions

The Examiner has required, under 35 USC §121, election of a single disclosed invention for prosecution on the merits. A provisional election with traverse was made via telephone on March 31, 2006 to prosecute the invention of Group I. This hereby confirms the election to prosecute the invention designated in the Office Action as Invention I. This election is made without traverse. Claims 1-16 and 21-34 are drawn to this invention.

Claims 17-20 and 35-42 have been canceled by this amendment as being drawn to a non-elected invention.

Rejection Under 35 USC §102 Over Roe et al. (US 2002/0169427)

Claims 1-3, 9, 11-14, 21-23, 27-30 and 34 stand rejected under 35 U.S.C. § 102(b) over Roe et al. Claims 1, 9, 14, 21, and 28 have been amended by this response. The remaining claims all depend, directly or indirectly from the claims indicated as amended.

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Amended Claims 1, 9, 14, 21, and 28 are not anticipated by Roe et al. The amended claims require a pant like garment having a pre-fastened and refastenable seam. In other words, the garment originally starts out as a training pant which is presented to the consumer in a pant-like form. As such it may be pulled up or down by the user (such as a toilet training child). Such realistic simulation of underwear and/or clothing facilitates the toilet training process.

Additionally, the seams of the claims are refastenable. This allows for meaningful interaction between the wetness sensation aspects of the training pant garment and the claimed pre-fastened, yet refastenable nature of the side seams. For example, children do not always develop basic continence skills (such as the ability to perceive the need to void and to control or delay the urge) at the same rate they develop the dexterity of manipulate clothing. As such, a child may recognize he or she needs to use the toilet and that urination is imminent. However, even if the child succeeds in getting to the toilet if he or she cannot remove the training garment easily enough, the child may have a discouraging accident even after appropriately recognizing and responding to the urge to urinate.

The pre-fastened, yet refastenable side seams of the present amended claims address this issue. While still allowing for conventional "pull on" and "pull down" where appropriate like conventional underwear, in "emergency" situations the refastenable seams allow for easy open of the garment. The refastenability of the seams allows for continued use after successful use of the toilet or if the garment is not otherwise ready for disposal.

Additionally, toilet training accidents may occur more frequently outside of the home than inside of the home. As such the ease of removal, and the ability to re-apply what the claimed refastenable side seams offer is an advantage to toilet training garments. The Roe et al. publication has not been shown in the Office Action to disclose the claimed features of the combination of pre-fastened and refastenable seams in a pant-like training garment having the wetness sensation structure and functionality claimed in the present application. As such, amended Claims 1, 9, 14, 21, and 28 and claims 2-3, 11-12, 15, 27 and 29-30 which depend from them are patentable over Roe et al.

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Rejection Under 35 USC §103(a) Over Roe et al. in view of Sosalla et al.
(US 2005/0148961)

The obviousness rejections all proceed from the basic application of the Roe et al. application made above with respect to the anticipation rejections. The addition of Sosalla et al. does not address the features shown to be missing from the independent claims noted above. Additionally, the Office Action has not shown in Roe et al. or in Sosalla et al. a suggestion or motivation of the desirability of combining or the existence of all claimed elements once properly combined these applications to arrive at the claimed garments having both the specific wetness sensations structures and functionality and pre-fastened refastenable seams claimed.

Conclusion

In light of the foregoing amendments and remarks reconsideration of the rejections and allowance of the claims is respectfully requested.

Respectfully submitted,

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